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Reel # R2778

COUNTY OF SAN DIEGO
STATEMENT OF PROCEEDINGS
REGULAR MEETING OF BOARD OF SUPERVISORS
WEDNESDAY, OCTOBER 22, 1997

4-29-98 gh

MORNING SESSION - Convened in Closed Session at 9:00 a.m.

Meeting was called to order at 10:10 a.m.

Present: Supervisors Bill Horn, Chairman; Greg Cox, Vice Chairman; Dianne Jacob, Pam Slater and Ron Roberts; also Sandra G. Carter, Assistant Clerk.

Approval of Statement of Proceedings/Minutes for Meeting of September 24, 1997.

ACTION:

ON MOTION of Supervisor Slater, seconded by Supervisor Cox, the Board of Supervisors approved the minutes for the meetings of September 24, 1997.

AYES: Cox, Jacob, Slater, Horn

ABSENT: Roberts

AFTERNOON SESSION - Reconvened at 1:07 p.m. Supervisors Horn, Chairman; Cox, Vice Chairman; Jacob, Slater and Roberts being present.

Statement/
Minute Order

No.

Subject

1.

Continued Noticed Public Hearing:
Multiple Species Conservation Program: Approval of the Plan, Subarea Plan,
Implementing Agreement, and Implementing Ordinances
(Carryover from 7/23/97, Agenda No. 2)

2.

Continued Noticed Public Hearing:
Request for Continuance of General Plan Amendment (GPA) 96-04 to Amend the
Sweetwater Community Plan Trial Map to Delete the Horton Road Alignment and
Vacate the Horton Road Trail Easement
(Carryover from 8/6/97, Agenda No. 1)

0028 3.

Noticed Public Hearing:

Champagne Crest Properties, Vacation of Open Space Easement, VAC97-009; A70 Limited Agriculture Use Regulations, Fallbrook Community Planning Area (Carryover from 9/30/97, Agenda No. 15)

0127 4.

Administrative Item:

Approval of a Final Map and Secured Agreements for Public and Private Improvements for County of San Diego Tract 4783-1, Adoption of Resolutions Accepting Previously Rejected Offers of Dedication and Adoption of a Resolution Accepting an Irrevocable Offer of Dedication, Located in the Ramona Planning Group Area

0194 5.

Closed Session Items

1. **SUBJECT: Continued Noticed Public Hearing:
Multiple Species Conservation Program: Approval of the Plan,
Subarea Plan, Implementing Agreement, and Implementing Ordinances
(Carryover from 7/23/97, Agenda No. 2)
(Supv. Dist: All)**

DESCRIPTION:

The proposed project includes the Multiple Species Conservation Program Plan (the Plan), the Implementing Agreement, and the County of San Diego's Multiple Species Conservation Program Subarea Plan (the Subarea Plan). In addition, the following implementing Ordinances and supporting environmental documents are submitted for consideration: 1) Biological Mitigation Ordinance; 2) amendments to the Grading and Clearing Ordinance; 3) amendment to the Habitat Loss Permit Ordinance; and 4) Environmental Impact Report/Environmental Impact Statement and Addendum. The Addendum covers the proposed adoption of the Biological Mitigation Ordinance, Implementing Agreement, revisions to Brush and Clearing Regulations in the County and updates to the Subarea Plan.

FISCAL IMPACT:

Current year costs for preserve management, biological monitoring and implementation are budgeted in the Fiscal Year 1997-98 Budget. If approved this proposal will result in \$279,619 net current year cost.

Annual net costs for preserve management, biological monitoring and implementation in Fiscal Year 1998-99 are \$581,353.

County acquisition costs are estimated to be between \$1.8 million (50 year acquisition) and \$3 million (30 year acquisition) per year following a three year effort to find other funding sources. This estimate is based on an average acquisition cost of \$9,700 per acre. The total cost of preserve acquisition is estimated to be \$91 million.

**RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER:**

1. Find, that the Environmental Impact Report/Environmental Impact Statement prepared by the City of San Diego as Environmental Impact Report State Clearinghouse Log No. 93121073 has been completed and certified by the City of San Diego, and that the County of San Diego as responsible agency under the California Environmental Quality Act, has reviewed and considered the information contained therein prior to approving the project. Find also that an Addendum to the Environmental Impact Report/Environmental Impact Statement dated October 3, 1997, has been prepared by the County of San Diego.
2. Find, pursuant to Public Resources Code Section 21081 (a) and as set forth in detail in Attachment A submitted, that the decision-maker, having independently reviewed and considered the information contained in the final Environmental Impact Report/Environmental Impact Statement, the Addendum dated October 3, 1997, the appendices and the record, finds that pursuant to the California Environmental Quality Act and the California Environmental Quality Act Guidelines, changes or alternations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects as identified in the final Environmental Impact Report/Environmental Impact Statement with respect to the areas of: a) land use; b) biological resources; and c) public service utilities.
3. Adopt the Mitigation Monitoring Program labeled as Attachment B, submitted.
4. Approve the Multiple Species Conservation Program Plan and the County's Subarea Plan.
5. Approve the terms of the Implementing Agreement , Submitted Attachment C, and direct its execution by the Chief Administrative Officer upon approval of the County's Take Authorizations.
6. Read title, waive further reading, and introduce Ordinances for further Board consideration on November 5, 1997:

**THE BIOLOGICAL MITIGATION ORDINANCE ESTABLISHING STANDARDS FOR
MITIGATION OF IMPACTS TO BIOLOGICAL RESOURCES.**

**AN ORDINANCE AMENDING ORDINANCE NO. 8365 (NEW SERIES) AN
ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE TO ESTABLISH A
PROCESS FOR ISSUANCE OF COASTAL SAGE SCRUB HABITAT LOSS PERMITS**

**AN ORDINANCE AMENDING ORDINANCE NO. 7415 (NEW SERIES) AN
ORDINANCE IMPOSING INTERIM REGULATIONS ON GRADING AND CLEARING**

7. Direct the Chief Administrative Officer to work with the Wildlife Agencies, the Farm Bureau and the Cattleman's Association to identify and analyze additional lands being grazed not shown on Figure 2-1 of the Multiple Species Conservation Program Plan and initiate a future amendment to the Multiple Species Conservation Program Plan that would include such areas in the Plan and provide for continued agricultural use in a manner that conserves species including the same conditions as those lands currently identified in Figure 2-1 of the Subarea Plan, if appropriate.
8. Direct the Chief Administrative Officer to initiate the Conflict Resolution Procedure with the Natural Communities Conservation Program Management Team when necessary.
9. Direct the Chief Administrative Officer to work with the property owner of Wright's Field and the Wildlife Agencies to add this property to the Multiple Species Conservation Program Plan Preserve.
10. Direct the Chief Administrative Officer to work with County Counsel and the Wildlife Agencies to investigate the use of mitigation agreements which would establish mitigation requirements under the Multiple Species Conservation Program prior to approval of discretionary permits.
11. Direct the Chief Administrative Officer to work with the Wildlife Agencies and interested parties to achieve Significantly Conserved Status for Grassland habitats.
12. Refer to Budget all County departmental costs associated with enforcement of the Multiple Species Conservation Program.

ACTION:

Amending the Implementing Agreement per the Errata sheet, Board of Supervisors Exhibit No. 1, and amending Page 1-9 of the Subarea plan, adding the following language: Conditions to perform adopted management will not be placed on private projects, ON MOTION of Supervisor Jacob, seconded by Supervisor Slater, the Board of Supervisors took action as recommended, introducing Ordinances for further Board consideration and continued the Hearing to November 5, 1997, with the following additional directions to the Chief Administrative Officer: 1) provide grandfather language for the existing single family residences in respect to the Grading and Clearing Ordinance, and shall continue to be entitled to the 10-acre exemption; 2) include in recommendation nine to return to the Board in 90 days with a completed map identifying additional lands being grazed in order to initiate a future amendment of the MSCP that would provide for continued agriculture use, then come back again in five months after the implementing agreement has been amended; 3) work with the Farm Bureau and come back with criteria for the expansion of agriculture within the 3,000-acre cap; 4) add the Lakeside archipelago to the MSCP acquisition priority list; 5) work with the U.S. Army Corps of Engineers, the Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the State Department of Fish and Game to consolidate the 404 wetlands permit into a format consistent with the MSCP; 6) work with the appropriate agencies to develop a framework management plan to ensure law enforcement and public safety will not be compromised by environmental and biological management activities; 7) pursue Land and Water Conservation Funds and the establishment of a Federally-funded revolving account which could provide long-term funding to the County of San Diego for acquisition of sensitive lands, and; 8) keep track of the cost of the proposal both in land acquisition and any value that is lost and have a running total to be able to report back at any given time.

AYES: Cox, Jacob, Slater, Roberts
NOES: Horn

2. **SUBJECT: Continued Noticed Public Hearing:
Request for Continuance of General Plan Amendment (GPA) 96-04 to Amend
the Sweetwater Community Plan Trail Map to Delete the Horton Road
Alignment and Vacate the Horton Road Trail Easement.
(Carryover Item from 8/6/97, Agenda No. 1)
(Supv. Dist: 1)**

ISSUE/REFERENCE:

On January 22, 1997(3), the Board convened a hearing to consider amending the Sweetwater Community Plan Trail Map to delete the Horton Road alignment and vacate the Horton Road Trail easement. On August 6, 1997(1), the Board continued this matter to October 22, 1997 to allow staff the necessary time to evaluate the Bonita Road/Glen Abbey trail alignment and finalize discussions with the affected property owners.

FISCAL IMPACT:

The recommended action has no fiscal impact.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

Continue this matter to December 17, 1997.

ACTION:

ON MOTION of Supervisor Slater, seconded by Supervisor Cox, the Board of Supervisors continued this Hearing to December 17, 1997, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

3. **SUBJECT: Noticed Public Hearing:
Champagne Crest Properties, Vacation of Open Space Easement, VAC 97-009;
A70 Limited Agriculture Use Regulations, Fallbrook Community Planning Area
(Carryover Item from 9/30/97, Agenda No. 15)
(Supv. Dist: 5)**

DESCRIPTION:

This is a request to vacate an open space easement for visual quality. The project proposes removing the C open space easement over a portion of Lot 22 within Map 12773. The open space was dedicated as a mitigation measure for Tentative Map (TM) 4689RPL² to protect visual quality on the project site and in the surrounding areas. The current easement allows for residential development on a portion of Lot 22 subject to obtaining an approved Site Plan, and restricts such things as pad size, maximum height of cut and fill slopes, and maximum building height. The project proposes to remove the restrictions of the easement for future development of a single-family residence.

RECOMMENDATION:**DEPARTMENT OF PLANNING AND LAND USE:**

Adopt the Resolution:

- a. Finding that the proposed project will not have a significant effect on the environment. Consider and approve the Negative Declaration, finding that it reflects the independent judgment of the Board of Supervisors;
- b. Finding the requested Vacation is consistent with the San Diego County General Plan;
- c. Finding subject easement is not useful as a nonmotorized transportation facility;
- d. Finding subject easement is unnecessary for present or prospective use as a County street, highway, or public service easement; and
- e. Directing the Clerk of the Board of Supervisors to record this Resolution pursuant to Streets and Highways Code Section 8325.

ACTION:

ON MOTION of Supervisor Slater, seconded by Supervisor Cox, the Board of Supervisors closed the hearing and took action as recommended, on Consent, adopting Resolution No. 97-332, entitled: RESOLUTION OF VACATION OF STREET, HIGHWAY, OR PUBLIC SERVICE EASEMENT.

AYES: Cox, Jacob, Slater, Roberts, Horn

4. **SUBJECT: Administrative Item:**
Approval of a Final Map and Secured Agreements for Public and Private Improvements for County of San Diego Tract 4783-1, Adoption of Resolutions Accepting Previously Rejected Offers of Dedication and Adoption of a Resolution Accepting an Irrevocable Offer of Dedication, Located in the Ramona Planning Group Area
(Supv. Dist: 2)

ISSUE/REFERENCE:

This project is a subdivision consisting of 22 single-family residential lots, and a total acreage of 134.7 acres.

It is located in the Ramona area at the southeast corner of the intersection of Highland Valley Road with Archie Moore Road. (Thomas Guide, Page 1151, F-7 and 1171, F-1, 1997 Edition).

RECOMMENDATION:**CHIEF ADMINISTRATIVE OFFICER:**

1. Approve this map and accept on behalf of the public, subject to improvements, a portion of Archie Moore Road (SC 324) and a portion of Highland Valley Road (SC 324) for use as streets as dedicated on said map.
2. Accept the access rights from lots 1, 14, 15 and 16 in and to Archie Moore Road (SC 324) and from lots 1, 2, 3, 4 and 5 in and to Highland Valley Road (SC 324), all as relinquished on said map.
3. Accept the easement for pedestrian and equestrian trail purposes, together with the access easement to maintain the trail, and the drainage easements, all as dedicated on said map.
4. Approve the Agreement to Improve Major Subdivision which includes the street improvements and related drainage facilities, and authorize execution by the Clerk of the Board of Supervisors.
5. Adopt the attached Resolution Accepting an Irrevocable Offer of Dedication (Attachment D) accepting the offer of dedication of the portion of Archie Moore Road (SC 324), and direct the Clerk of the Board of Supervisors to record said resolution with the County Recorder.
6. Adopt the attached Resolution Accepting Previously Rejected Offer to Dedicate (Attachment E) accepting the previously rejected offer of dedication of Pedestrian and Equestrian Trail together with an access easement to maintain said trail as shown on Map No. 13171, and direct the Clerk of the Board of Supervisors to record said Resolution with the County Recorder.
7. Adopt the attached Resolution Accepting Previously Rejected Offer to Dedicate (Attachment F) accepting the previously rejected offer of dedication of a Pedestrian and Equestrian Trail together with an access easement to maintain said trail as shown on Map No. 12974, and direct the Clerk of the Board of Supervisors to record said Resolution with the County Recorder.

ACTION:

ON MOTION of Supervisor Slater, seconded by Supervisor Cox, the Board of Supervisors took action as recommended, on Consent, adopting the following Resolutions:

97-333 RESOLUTION ACCEPTING AN IRREVOCABLE OFFER OF DEDICATION
(Tract 4790-1)

97-334 RESOLUTION ACCEPTING PREVIOUSLY REJECTED OFFER TO DEDICATE
(Tract 4798-1, Map No. 13171)

97-335 RESOLUTION ACCEPTING PREVIOUSLY REJECTED OFFER TO DEDICATE
(Tract No. 4790-1, Map No. 12974)

AYES: Cox, Jacob, Slater, Roberts, Horn

5. **SUBJECT: Closed Session Items**
(Supv. Dist: All)

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
San Elijo Ranch, Inc., et al. v. County of San Diego, et al.; Riverside County Superior Court
No. 272265/Court of Appeals No. E019371
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
San Elijo Ranch, Inc. v. County of San Diego, et al.; Superior Court No. 708616
- C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Government Code section
54956.9
No. of potential cases 1
- D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
San Diego Regional Disposal LLC v. County of San Diego, et al.; Superior Court No.
711619
- E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Rene Antonio Villa Escalante v. County of San Diego, et al.; United States District Court of
California, No. 95-1781-AJB
- F. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
County of San Diego v. Pacific Indemnity, et al., San Diego Superior Court Case No. 708818;
Fox, Brown and Boulevard Investors v. County, Superior Court Case No. 688773-1;
Fox, Brown and Boulevard Investors v. County, United States District Court Case No. 961883
B LSP; Bay National, et al. v. County, Superior Court Case No. 694955; RWQCB Cleanup &
Abatement Order No. 95-66
- G. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Geraldine Valencia, et al. v. County of San Diego, et al.; U.S. District Court No. 96-0087-
BTM (CGA)

- H. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION
Initiation of litigation pursuant to subdivision (c) of Government Code section 54956.9
No. of potential cases 1
- I. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
S. D. Regional Bldg. Authority, et al. v. M. H. Golden Company, et al.; Superior Court No. 694528
- J. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9
No. of potential cases 1
- K. CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9
No. of potential cases 1
- L. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION
Significant exposure to litigation pursuant to subdivision (c) of Government Code section 54956.9
No. of potential cases 1

ACTION:

County Counsel reported the following: 1) Item G, Geraldine Valencia, et al. v. County of San Diego, the Board of Supervisors authorized County Counsel to reject the demand for \$505,000; 2) Item H, the Board of Supervisors authorized County Counsel to initiate litigation against J. R. MiniMart, Hymen Rosen, and Jalal Razouki; 3) Item L, the Board of Supervisors authorized County Counsel to initiate litigation against Crown Point Enterprises Inc.

6. **SUBJECT: Public Communication**

Jack Gibson representing Citizens for Private Property Rights expressed his opinion on government.

Don Stillwell recommended the Board view the movie entitled: Waco: The Rules of Engagement, that deals with CS gas prohibited by International Law.

Eugene Sprofera expressed his concerns in getting answers to public inquiries from the Board of Supervisors in a timely manner.

Eric Bowlby addressed the wetlands and their importance to water quality.

ACTION:

Heard; referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 5:08 p.m. and adjourned in memory of George Mericantante, Daniel Gray, Mac Hudson and Judge Perry "Tom" Christison.

THOMAS J. PASTUSZKA

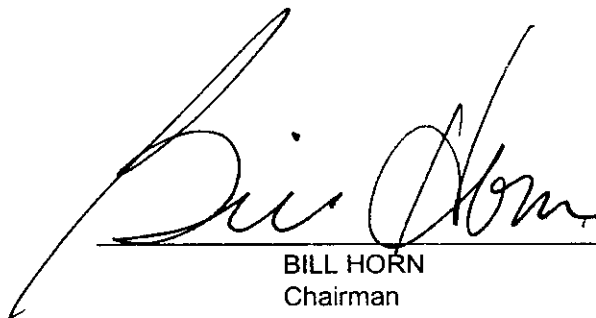
Clerk of the Board of Supervisors
County of San Diego, State of California

Notes by:
Galang


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NOTE: This Statement of Proceedings sets forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on Wednesday, December 10, 1997.


BILL HORN
Chairman

Attest:


THOMAS J. PASTUSZKA
Clerk of the Board

10/22/97